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A FEEBLE-MINDED HOMICIDE IN MISSISSIPPI

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As a part of a mental deficiency survey of the State of Mississippi, undertaken for the National Committee for Mental Hygiene, I was visiting county jails and found John T. Brady, a white man of 37 years, in the Lauderdale County jail at Meridian, Mississippi, November 15, 1918. Pink Hardin, a farmer and storekeeper, 58 years old, of that county, had been found murdered in his store the morning of April 25, 1917. Brady, the son-in-law of Hardin, was indicted for this crime and the jury found him guilty thereof August 21, 1917. The Circuit Court of Lauderdale County sentenced him to hang October 3, 1917. Notice of appeal to the Supreme Court was served September 27. The case had been delayed, through the intervening months, on account of the fact that the official court stenographer had been drafted and the shorthand notes of the proceedings were in his possession in France.

Brady at once singled himself out as feeble-minded. In this hurried visit I found he could not name the shortest month in the year and he could not perform simple operations in mental arithmetic.

I made another short visit to Brady January 8, 1919, but without material for making an accurate intelligence rating. I learned that he had three wives and several children, and had been making advances to a chance female visitor at the jail for another marriage. I ascertained that he did not know the month of the year, the days of the week, or the common measures of length, weight, and volume. He was ignorant of the relative values of the different coins, telling me a dime was worth five pennies and a quarter was worth three nickels. He told me President Wilson was Governor of Mississippi; that he had been Governor a long time; that he was probably born in Jasper County (where Brady lived most of his life); that he did not live in this country, but in Jackson, and that Jackson was four or five hundred miles from Meridian, in Louisiana.

The Supreme Court of Mississippi, having finally obtained the record of the Circuit Court proceedings, affirmed the sentence of the Circuit Court, February 24, 1919, and set the date of April 18 for the execution of the sentence.

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During the time Brady had lain in jail large numbers of citizens, both of Lauderdale and of Jasper counties, became impressed with the simplicity of his mentality and the injustice of holding him responsible for his crime, in the ordinary sense of that term. Consequently, petitions were sent to the Governor for commutation of Brady's sentence to life imprisonment. Near the time set for the execution of the sentence by the supreme Court, Governor Bilbo granted a reprieve of three months to Brady and referred his case to the Board of Pardons. July 11, 1919, the Board of Pardons recommended commutation of sentence to life imprisonment in the penitentiary, and Brady was removed that day to the penitentiary, after more than twenty-six months in the county jail. From the time of the murder to this transfer to the penitentiary, this man cost the state and the county upwards of \$2,500.

John T. Brady (alias John Harris) was born to an unmarried mother, Nancy Harris. She later married Kelly Brady, who may have been father to this boy. He seems to have been reared by an uncle, Bill Harris, and his grandfather, Cyrus Harris. Brady says his mother gave him to Bill Harris. At any rate he lost his parents early. A man who attended the same school with John Brady says the teachers never attempted to teach him. They found it was useless. He was always classed as an idiot. This same man says Cyrus Harris was crazy. Brady married when about seventeen. This wife had a child by him named Thomas. They soon separated. He married again and lived three months with one Ida Reid. October, 1913, he happened in the neighborhood of the Hardins, some forty miles from the place of his birth. He married Adelaide Hardin, the youngest daughter of Pink Hardin, the murdered man. She then had two illegitimate children. She was living in her father's home and Brady was taken in there. Pink Hardin owned a small farm and store. He had been a widower for eighteen years. He had negroes living in a tenant house near by, an old man, a younger mulatto woman, and a girl, all of whom worked for him. Hardin had one other daughter and two sons. The other daughter was married and lived close by; one son lived in Meridian, twenty-one miles away, and the other had died near his father's home two months before the murder.

The Bradys had lived three years and three months in Hardin's home, and at the time of the murder had been living apart, on another man's land about half a mile away. Mrs. Brady still helped her father tend the store, and had an oversight of his housekeeping. The negro woman was his cook and servant, and apparently he had intimate

relations with her. This seems to have been the cause of jealousy both on the part of Brady and Mrs. Brady. The daughter felt the negro woman was getting property, the benefit of which she should have, and Brady seems to have had a fondness, himself, for the negress.

It had been Hardin's custom for about three years to make weekly trips to Meridian, starting between three and four o'clock Tuesday morning, carrying eggs and other country supplies and purchasing supplies for his little store. Naturally this was the time in the week when he would have most money in his possession. It was on Monday night that he was murdered. The negro and his other son-in-law helped him load his wagon Monday evening. They finished about eight o'clock and he apparently retired. In the morning at daybreak the negro came to do the chores, found the wagon standing as it had been left, found one of the mules, which Hardin usually drove, out of the stable, the other standing in her stall. The house was open and Mr. Hardin nowhere to be found. He immediately went to the home of the other son-in-law and reported what he had found. The neighbors soon made entrance to the store, having found a key at this other son-in-law's house. They found the body of the murdered man lying in a pool of blood on his back, in the store, with his right hand under his head, his left hand over his chest and his feet crossed. The store was immediately locked again and remained closed until a coroner's jury and bloodhounds could be procured. The skull was fractured and the head almost completely severed from the body. His body was dressed in his underclothes. He was barefooted. Near the body was an ax covered with blood, an ax which belonged at the wood pile near by.

The cash drawer in the store had been opened and emptied. In the bedroom of the adjoining house, where Hardin was wont to sleep, the pillows were found to have been thrown from the head of the bed, and an empty pocketbook was found on the floor. Burnt matches were strewn about the room. The bridle of the mule which the negro found standing outside the barn was gone, and mule tracks were found down the road past Brady's house, for some distance beyond, into a field and into a woods, where they turned and came back to the barn. The bridle of this mule was found later near the place where the mule turned in the woods. Brady's wife had borrowed her father's shotgun from him the previous Sunday on the pretext that they wished to kill some hawks which were catching their chickens. This shotgun,

the only working firearm Hardin possessed, was at Brady's the night of the murder.

Mrs. Brady was getting breakfast when the negro girl summoned her to her father's, whither she went immediately with her children. Brady, himself, was farther down the road, getting a plow point sharpened. He came directly to the scene of the murder when notified by the negro girl. About eight o'clock he went back home with one Bob Hall Culpepper, who testified that he talked much about the blood-hounds and how they would get the wrong man. He described minutely, also, how the murdered man was lying in the store, though he had not been present when the store was opened, and also made a remark about what the old man did to the man who killed him. Asked how he knew these things, he said it was a *supposition* of his. Blood was found on his overalls and shoes. The mule which was ridden away was the only one of the two mules which could be ridden, and the proper bridle had been selected for this mule, one of the mules wearing a blind bridle and the other a bridle without blinkers.

Brady was arrested Wednesday, after the burial of the deceased. A week or ten days thereafter he made confession of his guilt to the sheriff of the county alone, to the district attorney alone, and then to the district attorney, the county attorney and a stenographer together. He said he killed Pink Hardin because he never did treat him right. He said Pink thought a lot more of the negro than he did of him; that he wouldn't trust him with anything. He said he went to the house and told him one of the little chaps was sick and that he needed some medicine; that the old man got up and took the lantern and went to the store, and as he went in the store Brady told him he did not want medicine, he wanted money, and when the old man told him emphatically that he would get no money, he struck him in the back of the head with the ax, which he had previously set close to the door. He confessed to having gotten the money, "about \$40.00, a check, some greenbacks, several bills, and some silver, possibly \$16.00. (It will be borne in mind the man could not count money.) He also said that he rode the mule off into the woods, took off her bridle, slapped her with it and threw the bridle into the bushes.

Mrs. Brady was not put on the witness-stand. Her oldest girl testified that Brady got up sometime after they had gone to bed the night of the murder, and was gone from the house more than half an hour.

During his trial Brady was put on the witness stand by the defense. He steadfastly denied every one and all of these confessions

and every item contained therein. He stoutly maintained that he was at home in bed during the whole of the night the murder occurred, and during a grilling and long cross-examination by the district attorney, in which the whole of his alleged confession was read to him, question by question and answer by answer, he denied every one of his alleged answers to these questions.

After Brady had been more than a week on a farm of the Mississippi State Penitentiary, was feeling perfectly at home, was enjoying the outdoors after so many months of close confinement in jail, and, so far as outward circumstances were concerned, should have been entirely relieved of any fear of losing his life on account of his crime (though he never manifested any appreciation of what hanging would mean for him), I made a very careful mental examination of the man. I used the Stanford Revision of the Binet-Simon Tests. I spent about two hours with him. I began with the three-year-old tests and went regularly through. It was interesting to note how earnestly and carefully this thirty-seven-year-old man proceeded to answer such questions as "Are you a boy or a girl?" There was not the least indication of a feeling of being trifled with, or, as an ordinary ten-year-old child would feel, that foolish questions were being asked him. The first failure was in the four-year tests. He was unable, in any one of three trials, to repeat four digits. In each of the first two trials he got the first, second and fourth, and in the third trial, the first, second and third digits. He said, after this trial, "Too many for me to get them all in my head at once." This expresses his difficulty admirably. He has a very limited scope of attention.

In the five-year tests he breaks on comparison of the 3-gram and 15-gram weight, naming colors, aesthetic comparisons, and three commissions. In the six-year tests, mutilated pictures, naming coins and repeating sixteen syllables, baffle him. He judges the value of coins by their size, confidently asserting that a nickel is worth more than a dime, because it is bigger, and he tells me that he would rather have a cent than a dime, having them both in his hands, because the cent is a little bigger.

His performance in the bow-knot test (seven year) was instructive. He persisted in this for two and a half minutes without producing a real bow knot, though he was confident he could do it. At the end of this time he had two single bow knots, one tied on top of the other, and both bows pointing the same way. Though he had drawn a square very well, he made two very awkward attempts at

reproducing a diamond, and then got one barely passable. His ball-and-field test was a barely passable, inferior-plan performance.

He failed on every one of the nine-year tests, all of the ten-year but one, and all of the twelve-year tests. There seemed not the remotest possibility of his being able to make any further credits. In fact, his answers to two of the fourth degree comprehension tests (ten years) were surprising in view of his failures already noted, though he had passed the other comprehension tests without exception. In answer to "What ought you to say when someone asks your opinion about a person you don't know very well?" he said, "Tell them I don't know that person." In answer to "What ought you to do before beginning something very important?" he said, "I don't know what I ought to do." In answer to "Why should we judge a person more by his actions than by his words?" he said, "You can tell pretty well what kind of a fellow he is by what he does. He may tell you one thing and tell me another." His answers to the first and third of these questions, which give him a credit for the fifth of the ten-year tests, indicate a degree of appreciation of social situations far beyond the expected capacity of one who cannot name coins or colors, and who is ignorant of such common things as the number of quarts in a gallon, and the names of the days of the week.

He has indeed developed in an unusual degree that appreciation of personal situations which Mark Baldwin noted as beginning so very early in the lives of little children. The infant knows, by touch, when she is picked up, upon crying in the night, by the father rather than by the nurse to whom she is accustomed. A few years later, when she is able to run about, she wants her father to believe that her little task is all done, because she is tired of it. His disbelief in her childlike discredits her imagined world with her, and she runs off to finish the task. It is this kind of social sensibility to the feelings and opinions of others that is developed in Brady's mind, out of all proportion to his capacity to learn many of the every-day processes of human life. He has a very limited scope of attention, and a very limited learning capacity. His mental age, reckoned by Terman's plan, is five years and nine months, but this higher development which enables him to pass the comprehension tests stands out as his significant achievement.

This it is which has given a degree of plausibility to the contention of those who maintain that Brady knew the character of the act which he committed when he brutally murdered his father-in-law; that he

knew it was wrong, and therefore, in the legal sense of the word, he is responsible and should suffer the death penalty.

No plea of mental deficiency was made, or seems at any time to have occurred to the defense during the trial. Since it has come to light, from my investigations of the case, and from those of other psychiatrists, that Brady is, indeed, an imbecile, the defense has relied almost exclusively upon this plea before the Governor and the Board of Pardons, for securing commutation of sentence. On the other hand, the prosecution has continued to ply the argument that he is not insane; that he is responsible, in the legal sense of the word, and should consequently suffer the death penalty. No doubt knowledge of the imbecile character of Brady's mind has saved his life. Neither for him, nor for the state, is this in itself any great accomplishment. But it has served to call attention to the liability to crime of the feeble-minded and the necessity for the community to protect itself against the feeble-minded as against the insane.

Mississippi statutes provide (Hemingway's Code, Paragraph 1301) that when the grand jury finds no true bill by reason of the insanity of the accused, the grand jury shall certify this fact to the circuit court, and the circuit court shall give notice to the chancellor, or the clerk of the chancery court, and the chancery court shall proceed in the case according to law relative to persons of unsound mind.

They also provide (Paragraph 1300) that a person charged with an offense, who was then, and still is, insane, shall be remanded to custody, and that a report shall be made to the chancellor, or to the clerk of the chancery court, that they may proceed in the case according to law relative to persons of unsound mind.

The statutes provide also (Paragraph 1302) that when a person is acquitted of a charge on the ground of insanity, the jury shall state such ground, and if the jury certify he is still insane and dangerous, the judge shall order him to be conveyed to and confined in one of the state asylums for the insane.

The statutes provide also (Paragraph 1285) that when a person, sentenced to be hung, is found to be insane, or is suspected of being insane, a jury shall be summoned by the sheriff, his sentence shall be suspended, and if the jury find he is insane, shall make such representation to the Governor.

With all this recognition of insanity being a ground for suspension of sentence on account of irresponsibility of the offender, there seems to be no recognition whatever in Mississippi statutes of feeble-mindedness, imbecility, or idiocy constituting a similar reason for

society's protection from the offender, and for dealing with him as the child he really is.

The horrible nature of this crime, its cost to the community and the state, both in the loss of the life of a citizen and in the cost of litigation and confinement of the offender, emphasizes the necessity of recognizing congenital mental deficiency on the same plane as mental disease as a ground for unaccountability for offenses. It emphasizes the social economy of adopting means of preventing such grown-up children as John Brady being at large and having full responsibility for their own actions, and, presumably, for their performance of duties as members of a democratic society. The mentality of a child of six years, even if that child is a species of genius in regard to appreciation of social situations, is not able to guide him through the intricacies of our complex social life. Such an individual is not a real person in any sense of the word. It is not right to entrust him with the privileges and the liberties of a citizen in a democracy, and, most of all, it is not right to allow him to propagate his kind and bring feeble-minded children into the world for the rest of us to take care of.

The statutes should be modified, not only to protect the lives of such citizens as Pink Hardin, but to protect us all from the progeny of the John Bradys. The statutes should recognize that the feeble-minded are not able to manage themselves as responsible citizens of a democracy, and provision should be made for the safe keeping in colonies of all congenital mental defectives. The Mississippi Legislature enacted a mental deficiency law in April, 1920, which makes statutory provision for training and keeping in proper custody feeble-minded persons, and which recognizes mental deficiency as a potential cause of criminal acts. The bill was sponsored by the Mississippi Society for Mental Hygiene.